



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(508) 369-9702

MINUTES April 14, 1997

CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Pine Meadow (Maple St.), William Costello Realty Trust, applicant

CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Hunters Run (off Nickles Lane and Oak Knoll Road), Brian E. Hebb Builders, Inc., applicant

Review of engineer's proposals to correct drainage deficiencies at Ice Pond Subdivision, and status of subdivision approval

Chair Colman opened the meeting at 7:25 p.m. Present were Colman, Duscha, Epstein, LaLiberte, Tice and Yanofsky. Hengeveld was absent. Also present were Planning Administrator Mansfield and Maya Liteplo for the *Mosquito*.

There were no draft minutes available for approval. In light of the number and length of the meetings in recent weeks, at Mansfield's request, Colman authorized the preparation of minutes, if necessary, that only meet the requirements of the public records law as specified by Town Counsel, that is, attendance, agenda items discussed and votes taken. (Nevertheless, Public Hearing minutes will be as complete as possible.)

CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Pine Meadow (Maple St.), William Costello Realty Trust, applicant

Present for this hearing were William Costello and his representatives attorney Richard Gallogly and Joseph March of Stamski and McNary.

Gallogly observed that this is the fourth public hearing on the definitive plan. During the first submission, he said, LandTech's comments were incorporated into the plan and Earth Tech also reviewed the plans for the Conservation Commission. The subsequent appeal to

the D.E.P. also allowed them to review these plans. The Board of Health has approved them and the septic design for each lot on the plan. The Planning Board should take whatever public comment is offered and then close the Public Hearing this evening, he said. He expects a long permitting process on those lots affected by the Rivers Act and therefore will be seeking a four year period in which to complete this subdivision. Colman offered his apologies to Kathy Coyle, noting that he was caught off guard at the last Public Hearing and was incorrect about the role of the public in such a hearing. He said that they would be given ample opportunity to speak this evening. Duscha asked how many lots were affected by the Rivers Act. Gallogly replied that approximately six lots will be subject to this act depending upon house locations. Mansfield then enumerated the documents received relating to this petition since the last public hearing. He noted that all the documents in the file as of April 11, 1997 were listed in a memo to Greg McGregor, of that date, copied to the Board.

Colman then opened the floor for public testimony. Present were Ruth Toscano of Fiske St., Louise Hara of Concord St., Gabor and Bonnie Miskolczy of Cross St., Mary Storrs of Brook St., Anthony Mariano of Page Brook Rd., Louisa Heard, Kathleen Coyle, Donna and Newel Cantrill, Stephanie Shenton and Jean Morin all of Maple St., Lee Storrs of Brook St., Brian Anderson of East Riding Dr., Jay Heard of Maple St., Gregor McGregor and John Schmidt.

Jean Morin said that she was concerned about the safety on Maple St. since it is so narrow and that she has voiced her concerns to the police and public works department. She said that over a dozen children live on the street. Attorney Gregor McGregor, who identified his client as the Town Aquifer Protection Group, requested approximately 20 minutes for a presentation. He said that he had been retained by T.A.P. to do a compliance review of the submitted subdivision plan, asking the question does the plan meet or fail to meet the Rules and Regulations? His conclusion was that the plan is inadequate and incomplete under the Regulations. It violates the Regulations, he said, and he asked the Board to disapprove the plan without prejudice. Secondly, he said, he believes the plan violates good engineering practices. He said that he has compared Carlisle's Regulations to those of other towns and will identify deficiencies and loopholes in the Regulations. He introduced engineer John Schmidt from Judith Nitsch Engineering. Schmidt said that he had reviewed the plans for their compliance with the Regulations and with good engineering practice. He identified several deficiencies in the plans. First, in the revised plan, the sediment sump has been moved 20 ft. back as per D.E.P. requirements, but no details for the construction of the sediment sump are shown. He asked how the sidewall is to be built and pointed out that there is nothing to substantiate the water table at the sump location. Secondly, he raised concerns about the storm water management plan as provided in the drainage report. He said he spoke with Mark Sleger at LandTech and learned that there was to be a new submittal, but he has not yet received that new submittal. Duscha asked whether anything had changed. Schmidt replied, he did not believe so, but nevertheless they should review the drainage once again. Thirdly, he said,

an approved sediment trapping device is required by the Rules and Regs., but not indicated on the plan.

Regarding drainage, Schmidt explained the applicant has proposed two catch basins that are interconnected. He said this is poor engineering practice where it would be subjected to traffic. He said these catch basins could back up and disturb the contaminants, pushing them into the ground water. Regarding the infiltration system, he said the 6 inch discharge shown is too small. It would render the system useless because it could be clogged by a foam cup or similar debris. He would suggest a 12 inch pipe. Regarding the fire cistern detail, he said the pump is shown as going to a well which requires electric circuitry and would have to be replaced in 10 to 20 years. Instead, he suggested, storm water should be channeled into the cistern to replenish it. Regarding traffic, Schmidt said he did not know if an independent traffic analysis had been completed, but if not, it should. Regarding the detention basin, he concluded that the project doesn't lend itself to detention basins, but there should be a 3 ft. minimum separation between the sump and the high ground-water table. Epstein asked Schmidt whether he had raised these review issues with Mark Sleger. Schmidt replied he had not, but Sleger had agreed the drainage report should be reviewed. Epstein asked him whether these points were in writing and Schmidt replied they were and submitted that document to the Board. McGregor then stated that if the engineering report is not complete, the hearing should not be closed. It is possible to change the plans to incorporate corrections to these deficiencies, he said, but that should be done within a hearing. Here he reiterated that the lack of sump details violated Sec. 3.B.3a.2e. of the Rules and Regulations and the fact that there are no soil types on the engineered plan violates Sec. 3.B.3c.2b. He said that until LandTech reviews the drainage report, the Board cannot move forward. They need to know the ground water elevation at various drainage structures throughout the subdivision. Regarding good engineering practices, McGregor summarized, catch basins with oil and grease traps are routinely required. There should be no interconnections between these catch basins and cisterns should not require power and maintenance. Duscha replied that the Board can't modify the Rules and Regulations at this juncture, but will be happy to look at the Rules and Regulations after Town Meeting. McGregor countered that the Board has the right to insist upon these provisions now because the statute gives the PB the right to require adequate drainage.

McGregor then reviewed several deficiencies that he had identified in the Planning Board's Rules and Regulations: 1) They do not empower the Board to require a local environmental impact assessment. He said that more than 40 towns include this at their discretion. If it was in the Rules, he said, he would urge the Board to invoke it in this instance. 2) The Rules and Regs. generally list only the relevant factors to consider, but do not set out performance standards to meet. These are the types of regulations, he said, popular in the 1950's. 3) The Regs. do not set a minimum limit on the upland required for a buildable lot (which should also be included in the Zoning Bylaw). This should be in the range of 70% to 95%, he contended, and certainly is important when the water supply is connected to wetlands. 4) The Regs. contain no objective standards for traffic safety, no specifications for vertical curves, sight distances and the like. 5) Trees and stone walls

along scenic roads are not protected by the Regs. (Colman remarked that this initiative was defeated at the last Town Meeting, though McGregor responded that it could nevertheless appear in the Regulations.) 6) McGregor conceded that the Regulations do limit the amount of storm water runoff at the boundary of the subdivision property, but he suggested that they should also control the volume, as well as the rate flow. 7) There is no stated preference in the Rules for maintaining the natural drainage pattern, where possible. McGregor contended that a developer could put the drainage in a pipe if they wanted to do so under the present regulations.

McGregor then submitted letters and photographs of the site as evidence for his arguments. Along with Tony Mariano, he showed the Board a brief videotape which illustrated views of the site and past flooding conditions. McGregor summed up his argument by asking the Board to conclude that since a large volume of water is conveyed along the back of the site, the drainage engineering is even more important than in normal cases. The site is not isolated, he said, so controlling the volume of flow is important. Septic systems, if not properly designed for soil conditions which are unknown, could contaminate the water supply, he contended. Tony Mariano stated that this resource area was confirmed 20 years ago in the Caldwell Report. This outwash material, he said, is the best known aquifer we have in town.

Kathy Coyle stated that when considering traffic, speed enforcement has made money for the Town and that the nature and porosity of the soil is important. She testified that her basement is full of water after storms and recommends that houses on this site do not have basements. Mary Storrs reported that they have started to test their well water to show that it is good today in case they have to compare it with post development conditions. Gabor Miskolczy urged the Board to reject this plan because it does not provide for the control of ground water. Bonnie Miskolczy said that she does not want to have to pay for the results of this subdivision. At this point **the Board continued the Public Hearing until May 12, 1997 at 7:30 p.m.** Louisa Heard asked whether their letter to the Board, of April 10, 1997, dealing with issues such as trees, signs, construction vehicles and work hours would be addressed at that time, and Colman replied that it would. Duscha asked that a copy of this letter be given to the applicant.

ANR Plans: Hutchins Road and Forest Park Drive, Tall Pines Realty Trust and Dorothy Bartlett, applicants

Bill Costello and Richard Gallogly were present for this discussion. These ANR plans submitted jointly by Dorothy Bartlett and Bill Costello are designed to open for development a now landlocked 4.2 acre parcel (shown as Lot 29.5) owned by Bartlett behind number 120 Forest Park Drive, by creating a pork chop lot with 40 feet of frontage on Forest Park Drive from existing Lot 27 and combining Lots 28 and 29.5. The landlocked parcel is also adjacent to Tall Pines Lots 5 and 6 on Hutchins Road. A second ANR Plan has also been filed to create a 20 ft. access from Lot 29.5 to Hutchins Rd. This

is accomplished by taking parcel A from Lot 6 in exchange for parcel B from Lot 29.5 and also adding parcel C from Lot 5 to Lot 29.5. This action does not create legal frontage for Lot 29A on Hutchins Rd., but in addition, easements are also proposed over Lot 6. The outcome of all of this is that Lots 5A, 6A and 27 remain legal building lots and the combination of Lots 28 and 29A produce a new legal porkchop lot which will have its access from Hutchins Road and so, in effect, be a 41st lot in Tall Pines. Colman asked whether it is legal to add new lots to the subdivision. Gallogly replied that unless there is a condition of approval of the subdivision that limits the number of lots, it would be legal. Costello added that no such condition exists. Yanofsky suggested that the certificate of approval be checked on this point. Duscha asked why access was being created from Hutchins Rd. and Costello replied that Ms. Bartlett would prefer not to have the lot have its access from Forest Park Dr. Yanofsky asked whether the signatures on the Form A application included all owners of record of the land. Mansfield replied that Dorothy Bartlett's signature was not on the form as required by the Regulations. Duscha suggested that Town Counsel guidance be sought on this question as well as the question of whether a new lot can have access to an existing subdivision road. Action was deferred on this application until the next meeting.

Request for acceptance of Specifications for Fire Protection Cisterns (by Fire Chief)

Yanofsky suggested that action on this request be postponed until the Public Hearing on amending the Rules and Regulations was scheduled. Epstein also suggested that Bob Koning walk through these specifications with the Board.

CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Hunters Run (off Nickles Lane and Oak Knoll Road), Brian E. Hebb Builders, Inc., applicant

Present for this hearing were Brian Hebb and his representatives Lynn Remington and John Boardman from David E. Ross and Associates. Also present were David Kelch of Oak Knoll Rd., Jerry Smith of Hemlock Hill Rd. and Beverly Humm of East St. LaLiberte was recused from this hearing.

Lynn Remington reported that several items have been completed since the last meeting. First of these, she said, is the Storm Water Management Plan which shows erosion control and other measures during the construction period. Yanofsky asked why this plan did not bear an engineers stamp and Remington replied that this was an oversight. Yanofsky said that the Board cannot accept such a plan and Remington said she would have it stamped and returned to the Board within 24 hours. Mansfield noted that these plans should be sent to LandTech. Remington then reviewed the letter of March 20th from LandTech and reported that she and Mark Sleger have discussed the items included in that letter. She said that Sleger's comment that the plans were preliminary means that they haven't

received the final definitive plan. She also reported that the detention basins will include micro-pools.

Regarding requests for trails, Remington suggested that a trail easement be created from Oak Knoll Rd. along the property line northerly to the town owned land. However, on the Nickles Ln. end, she said, there is an existing 20 ft. easement, but it would require scaling a cliff. She suggested that her client could give an easement on Lot 6 to overcome this, but cannot extend that easement from the headland all the way to Rangeway Rd.

Remington said she would discuss this in more detail with Judy Lane the next day.

Duscha asked whether calculations have been prepared for drainage flowing from the remaining land of Kydd. Remington replied in the affirmative, that the design anticipates the development of the Kydd Land, but not the Brown land beyond it.

Regarding the East St. intersection plan, she said, it has been reviewed by in-house landscape architect, Bill Murray. He has recommended sloped granite curbing with Boston pavers in the island. Trees and shrubs won't work here, she said, because of the lack of water and the presence of road salt. However, rosa rugosa might work, she said, if it is preferable to bricks. Duscha asked Hebb if he was willing to have an outside architect look at these plans as well at his expense. Hebb replied that he didn't have much choice. Colman added that the Board would like to have someone independent look at the landscape features because that person may provide different input. Epstein stated that he wanted to see if the disruption to the site visually, can be minimized.

The Board was in receipt of a proposal from Paul Finger of Beals & Thomas, Inc., dated April 14, 1997, proposing to provide a review from a landscape architect's perspective of the Hunters Run subdivision plans, including the plan for the East St. intersection. Yanofsky therefore moved and Tice seconded the motion **to authorize Beals and Thomas to undertake this work for an amount not to exceed \$2000 plus 10% contingency, to be paid for by the applicant..** This motion was approved by a vote of 5-0 with one recused, LaLiberte.

At this point, Yanofsky acknowledged that only two board members may be eligible to vote on this petition, the only members who have attended each session of the Public Hearing, namely herself and Epstein. Mansfield reported that Hebb will be seeking an extension until May 30, 1997. The Board noted that two letters had been received from abutters, one from Ferris Taylor, the other from Jerry Smith, regarding their desire not to see a through road. Kelch discussed some of the points in the Taylor letter including the public safety trade-offs of access versus security, and noted that residents were not in favor of cutting the road through. Smith discussed how communities are fostered when through roads are closed. Hebb said he was not aware that crime rates were high in Carlisle. He said that you can't compare St. Louis to Carlisle and residents of Nickles Ln. should have been aware that a future subdivision was planned. Yanofsky noted that the Board had previously discussed with the Ross engineers the concept of cul-de-sac, but were told that Kydd is not interested in that alternative. She asked Hebb whether an

alternative plan was possible. Hebb replied that he was open to such a suggestion as long as he could get 6 lots out of the deal. Also, he said, it has to be something that won't go on indefinitely. Yanofsky suggested that although she is not ready to throw out the 10% alternative plan, that another alternative be presented in the form of a cul-de-sac plan. She said it would need a waiver for length and keep within the stated goals of the study plan. Boardman expressed his concern about a cul-de-sac generating the required frontage. He also noted that for a 100 ft. diameter circle, a level area is necessary which would require a lot of blasting and fill. Hebb said that he would discuss the concept with Remington and Boardman and is willing to put some effort and money into this investigation. He said, however, that he would stop if it doesn't make sense. He also said that the Board should not hold off on their request for a review by Beals & Thomas. Mansfield noted that the Board does not have the authority to ask for such an alternative design, but Yanofsky said she would like to know about its feasibility soon rather than later. Kelch asked how the neighbors could help with this initiative. Yanofsky then moved **to grant the extension of time for action until May 30, 1997**. Duscha seconded the motion and it was approved with a vote of 5-0 with one recused, LaLiberte.

Beverly Humm of East St. expressed her concern about an intersection design at Nickles Ln. and East St. that would include an island. She said that 18-wheeled trucks turn around here and come on to their land. She does not want to encourage a permanent turnaround, she said, and can't imagine how snow plows could negotiate such an island. She suggested the intersection be left the way it is and that it is no different than that with Milne Cove Rd. Yanofsky then **moved to continue the hearing until May 12, 1997 at 8:30 p.m.** Duscha seconded the motion and it was approved by a vote of 5-0 with one recused, LaLiberte.

Review of engineer's proposals to correct drainage deficiencies at Ice Pond **Subdivision and status of subdivision approval**

LaLiberte recused himself from this discussion. John Boardman of Ross Associates submitted a final draft of the plan for correcting the drainage deficiencies on Ice Pond Rd. to the Board. He reported that he had reviewed the calculations with Mark Sleger of LandTech, who had agreed to approve this plan. [Sleger's letter of approval, dated 4/11/97 was also in front of the Board.] Boardman explained that the correct slope of the pipe is .004, the pipe is 12" in diameter with a flared end, there will be no construction activity on Lot C, and hay bales will be placed on the property line.

Yanofsky and Duscha each expressed a desire to see this work undertaken as soon as possible. Brian Hebb replied that he could not propose a schedule because of the excess surface and ground water now on the site. He explained that there are buried utilities, and that he would need to talk to the utility companies about ground conditions before establishing a schedule. He promised to fax that schedule, when completed, to the P.A.

Mansfield noted that Sleger had suggested that LandTech perform a visual inspection and compaction testing in the area of the drain when it is being installed. Boardman said the he would work with Sleger to come up with an acceptable method to compact the soil.

Epstein stated that he would like to see this construction completed and an acceptable timetable to complete the roadway presented to the Board by May 12. Yanofsky added that, if the work cannot be completed by that date, Hebb should so notify the Board. Colman said that, on behalf of the Board, that he would authorize Sleger to be on site when the pipe is replaced, and Hebb agreed to notify Sleger when the work is scheduled. Epstein also asked Hebb to provide the Board with a letter in which he agreed to pay for LandTech's review work. Hebb said he wanted a not-to-exceed estimate of this cost, and Mansfield agreed to seek that estimate from LandTech.

Hebb then asked about the status of the subdivision extension. He said he needs assurance from the Board that they won't declare default while the drainage work is ongoing, and asked the Board to extend the subdivision approval to May 12. Epstein asked for an update on that status. Mansfield explained that, as far as he can determine, subdivision approval expired on December 2, 1996, because any subsequent approved motions to extend that approval were conditional on actions that did not meet established deadlines. Specifically, the motion to extend subdivision approval to 6/1/97, approved on 12/18/96, required that the plan finally presented tonight be received by 1/17/97.

Following procedural discussion, Epstein **moved reconsideration of the 12/18/96 vote.** That motion was seconded by Yanofsky and **approved 4-1-1**, Duscha nay, LaLiberte recused. Epstein then **moved to modify the 12/18 vote to extend the subdivision approval for Ice Pond Road until June 1, 1997, provided that on or before 5/12/97 the applicant rectifies the drainage problems according to the Plan dated 4/7/97, revised 4/10/97, constructed in a manner acceptable to the Town's engineering consultant, and also submits a timetable to complete the subdivision acceptable to the Planning Board.** Yanofsky seconded this motion and it was **approved 3-2-1**, Colman and Duscha opposed and LaLiberte recused. Mansfield stated that, with the Board's concurrence, he would not file this extension with the Town Clerk until the conditions had been fulfilled.

Preparation of Planning Board Report to Town Meeting re: Proposed Open Space Residential Development warrant articles

The Board postponed the review of this draft report of the Public Hearing of April 9th until the meeting of April 28th. Epstein asked Mansfield to make sure that the Board of Health has the most recent, black-lined draft of the proposed warrant articles and to ask if there are any questions. If so he suggested they call either himself or LaLiberte. It was also determined that Epstein and Yanofsky would attend the Selectman's meeting regarding the proposed warrant articles and LaLiberte and any other members of the Board who wished would attend the Fin. Com. meeting on April 28th.

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

George Mansfield
Planning Administrator